

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.

PRESENT: Thiru.P.Velmurugan, B.A.,B.L.,

Principal Sessions Judge, Thanjavur

Tuesday the 17th day of March, 2026

Criminal Miscellaneous Petition No.1890/2026 in C.A.No.50/2026

{CNR No: TNTJ01-0023742025}

Sundararaman, S/o.Govindaraj

....Petitioner/ Appellant

/ versus /

Yacob, S/o.Abraham,

...Respondent/Complainant

This petition coming on this day before me for hearing in the presence of Thiru.R.Ilayaraja, Learned Advocate appearing for the petitioner and this court passed the following,

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner u/s 430(1) of Bharatiya Nagarik Suraksha Sanhita (BNSS) - 2023, praying to suspend the sentence and compensation imposed on him by the Judicial Magistrate, FTC, Thanjavur in STC No.17/2023 dated 09.02.2026, till the disposal of the main appeal.

The Learned Counsel for the petitioner contends that the petitioner was on bail during the time of trial and he obtained an interim order of suspension of sentence from the trial court. He further contends that the trial court has failed to consider the plea of defence raised by the petitioner and passed the impugned order and as such, the petitioner has a good chance of success in the appeal and anyhow, he is ready to deposit 20% of compensation amount as required u/s 148(1) of N.I. Act and also furnish sufficient sureties and prays for suspension of sentence and compensation imposed on him by the trial court till the disposal of the appeal.

The contentions put forth on the side of the petitioner are taken into consideration and perused the records. On perusal of the judgment of the trial court, it reveals that the petitioner was found guilty u/s 138 of Negotiable Instrument Act and sentenced to undergo S.I. for one year and to pay a fine / compensation of Rs.9,25,000/- within one month in default of which further to undergo S.I. for two months. Aggrieved with the above said Judgment, the petitioner has preferred a Criminal Appeal before this court and the same is taken on file. It is further revealed from the judgment that **no fine** amount has been imposed on the petitioner and the petitioner was on bail throughout the trial period and the sentence was suspended by the trial court u/s 430(3) of Bharatiya Nagarik Suraksha Sanhita (BNSS) - 2023.

By considering all these facts and circumstances of the case and in view of the submission put forth on the side of the petitioner that the petitioner is ready to deposit 20% of compensation, this Court is inclined to allow this petition with several conditions.

- 1) The petitioner is directed to deposit 20% of the compensation amount which comes to Rs.1,85,000/- (Rs.9,25,000/- x 20/100 = Rs.1,85,000/-) before the Jurisdictional Magistrate within a period of **30 days** from the date of this

order as per section 148(2) of N.I. Act

- 2) After complying with the 1st condition, the petitioner is further directed to execute a personal bond for Rs.10,000/- with two sureties each for a like sum to the satisfaction of the Jurisdictional Magistrate.
- 3) Only after compliance of the above said two conditions, within a period of **30 days** from the date of this order, the operation of the sentence of imprisonment and balance compensation amount of Rs.7,40,000/- shall remain suspended till the disposal of the appeal, failing which, this order shall stand cancelled automatically.
- 4) Further, the petitioner is directed to appear before the **II Additional District & Sessions Court, Thanjavur**, at 10.30 a.m. on 17.04.2026 in the main appeal.
- 5) The petitioner is directed to file a memo before the concerned appellate court on the above said day in respect of compliance of the conditions 1 & 2 before the trial court,
- 6) In the event of failing to comply with the said deposit condition or to file any time extension petition as per provision u/s 148(2) of N.I. Act before the Appellate Court concerned, the Appellate Court concerned shall direct the trial court concerned to issue NBW as against the petitioner for the purpose of serving the sentence ordered in the judgment of the trial court.
- 7) For compliance of the condition of 20% deposit on the compensation and for compliance of the 5th condition, this petition stands posted to 17.04.2026 for calling before the above said Appellate Court.

Pronounced by me in Open Court, this the 17th day of March, 2026.

Principal Sessions Judge,
Thanjavur.

Copy to:

The II Additional District and Sessions Judge, Thanjavur
The Judicial Magistrate (FTC), Thanjavur
The Counsel for the petitioner.